

First Extraordinary Session, 2011

SENATE BILL NO. 20

BY SENATOR NEVERS

CENSUS. Provides relative to provisions in Title 17 which are limited in applicability to political subdivisions or local areas meeting specified population characteristics.

AN ACT

To amend and reenact R.S. 17:29(B), 84.01(A), 85.4(introductory paragraph), 85.6(introductory paragraph), 85.13(introductory paragraph), 85.14(introductory paragraph), 179(A), 221.2(A)(2), 222(C)(3), 422(C), 431, 525(A)(1), 1371(A)(5)(a), 1805(E), and 3991(B)(1)(b)(ii) and to repeal R.S. 17:7(18), 65, 81(L), 154.1(A)(4), and 3048.1(C)(4), relative to provisions of Title 17 (Education) of the Louisiana Revised Statutes of 1950, which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; to repeal provisions that are outdated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:29(B), 84.01(A), 85.4(introductory paragraph), 85.6(introductory paragraph), 85.13(introductory paragraph), 85.14(introductory paragraph), 179(A), 221.2(A)(2), 222(C)(3), 422(C), 431, 525(A)(1), 1371(A)(5)(a), 1805(E), and 3991(B)(1)(b)(ii) are hereby amended and reenacted to read as follows:

§29. Social workers; failing schools; applicability

* * *

B. The provisions of this Section shall be applicable to any city, parish, or other local public school board in any ~~parish having a population of at least four hundred seventy-five thousand~~ **municipality having a population above three hundred thousand** persons according to the latest federal decennial census.

* * *

§84.01. Assistant superintendents in ~~districts of four hundred twenty-five thousand or greater population;~~ **certain districts;** term of appointment; discharge for cause; other permanent status

A. All assistant superintendents, who have not already acquired regular and permanent status as such, and who are appointed on or after September 1, 1972, by a parish or city school board of a school district **in any municipality** having a population of ~~four hundred twenty-five thousand or more,~~ **above three hundred thousand persons according to the latest federal decennial census** shall be appointed for a term of not more than four years, and said term shall be specified in a written contract; which shall be renewable for an additional term or terms at the pleasure of the employing board.

* * *

§85.4. Naming of curriculum center; ~~by certain school boards~~ **St. Tammany Parish School Board**

~~Notwithstanding R.S. 14:316 or any other law to the contrary, a~~ **The** parish school board in a ~~parish having a population between one hundred ninety-one thousand and two hundred twenty-five thousand persons according to the most recent federal decennial census~~ **St. Tammany Parish** may name a curriculum center in the parish in honor of a former educator and coach who meets all of the following criteria:

* * *

§85.6. Naming of a headstart and community center; ~~by certain school boards~~ **Jefferson Davis Parish School Board**

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* * *

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1 badge shall include the student's name and picture, the name of the school which the
2 student attends, and the calendar year for which it is issued. The student shall
3 display such badge in a prominent manner at all times while on school grounds and
4 when attending any school function including school-sponsored cocurricular and
5 extracurricular activities unless circumstances otherwise prevent such display.

6 * * *

7 §221.2. Assignment of pupils; parental request

8 A.

9 * * *

10 (2) Notwithstanding any law, rule, or regulation to the contrary and if not
11 specifically contrary to the provisions of an order of a court of competent jurisdiction
12 providing for the assignment of pupils within the school system, a city or parish
13 school board in ~~any parish having a population of at least one hundred forty-four~~
14 ~~thousand but not more than one hundred sixty thousand persons according to the~~
15 ~~most recent federal decennial census~~ **St. Tammany Parish** and the Caddo Parish
16 School Board shall assign a student to attend any public high school requested by a
17 parent or other person responsible for the student's school attendance when the
18 requested school has space available and is of a suitable grade level, and the child
19 resides not more than two miles from such school measured by the distance to be
20 traveled on public streets or highways, or by the boundary of a subdivision. A
21 school board shall not be required to provide transportation to any student enrolled
22 in high school pursuant to the provisions of this Paragraph.

23 * * *

24 §222. Age of school entrance; proof of age, race, and parentage required; exceptions

25 * * *

26 C.

27 * * *

28 (3) Notwithstanding the provisions of Subsections A and B of this Section,
29 ~~any parish school board in a parish having a population of at least four hundred fifty~~

thousand persons according to the most recent federal decennial census the parish
school boards in Jefferson and Orleans parishes may adopt, by rule, and enforce
ages for entrance into first grade in the schools in its system which vary from the
provisions of this Section. All children admitted into school as a result of a rule
adopted pursuant to this Subsection shall be counted in reports submitted for funding
under the Minimum Foundation Program and money allocated pursuant to such
program shall be based on the report which includes such children.

* * *

§422. Additional compensation or increased increments; teachers of federal,
agricultural, and industrial arts programs

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C. Any person employed by a parish or city school board; in ~~parishes or~~
~~cities~~ any municipality having a population over ~~four hundred seventy-five~~
~~thousand~~ three hundred thousand persons according to the latest federal
decennial census who, in addition to his regular assignment, is assigned to and
assists, after the regular working day or at night, in the development, implementation
and service of a program sponsored by the federal government in the public schools
of the ~~city or parish~~ municipality shall be paid therefor in addition to his regular
salary. Such additional pay shall be at a rate not less than the prevailing salary for
the services which are being performed.

* * *

§431. Supervisors, principals and other administrative personnel in certain school
systems; salaries

~~On and after July 29, 1970, no~~ No parish or city school system in ~~parishes or~~
~~cities~~ any municipality having a population of over ~~four hundred seventy-five~~
~~thousand~~ three hundred thousand persons according to the latest federal
decennial census shall pay to any supervisor, principal, consultant, secretary or any
other administrative employee charged with the administrative responsibility of a
school or other area of academic concentration or evaluation in such ~~parish or city~~

municipality an annual salary which amounts to less than the amount that was paid by such school system to that employee in the immediately preceding year.

* * *

§525. Promotion of employees other than teachers

A.(1) An employee, as defined in R.S. 17:521, who has acquired regular and permanent status in a parish or city **the** school system, ~~in which the school district has a population of four hundred twenty-five thousand, or more, as set forth in R.S. 17:522,~~ and is promoted to a position paying a higher salary, shall serve a probationary period of three years in the higher position before acquiring permanent status therein but shall retain the permanent status previously acquired in the lower position from which he was promoted.

* * *

§1371. Creation of school districts by parish school boards

A. Parish school boards may at any time create school districts composed of the parish as a whole or any part or parts thereof and may also, with the consent of the respective school boards of one or more adjoining parishes, create school districts composed of a part of the parish and a part or parts of such adjoining parishes, and shall have complete discretion in the fixing of the boundaries of all such school districts, but may not create a new school district within the parish if such new school district embraces part of any school district already existing within such parish, except as follows:

* * *

(5)(a) In **the** parishes ~~having a population between fifteen thousand and twenty thousand persons,~~ **of Bienville, Claiborne, East Feliciana, Grant, Jackson, West Baton Rouge, West Feliciana, and Winn,** a school district may be enlarged through the addition thereto of territory which lies within an existing school district, and the district as so enlarged shall not be construed to be an overlapping district within the prohibition of this Section.

* * *

§1805. Authority of university or college police officer

* * *

E. Notwithstanding any of the provisions of this Section to the contrary, any state supported or private college or university situated within the territorial limits of ~~any municipality having a population in excess of two hundred fifty thousand persons~~ **the city of New Orleans** may, at the option of said college or university, have its campus police officers commissioned as university or college police officers by ~~such municipal or city~~ **the city's** police department, rather than the Department of Public Safety **and Corrections**, upon complying with the requirements and regulations as may be prescribed by ~~said municipal or city~~ **the city's** police department for the commissioning of special officers. Such commissions issued by ~~a municipal or city~~ **the** police department shall confer upon such campus police officers all rights and privileges as are enumerated in this Section with respect to officers commissioned through and by the Department of Public Safety **and Corrections**; provided, however, that such officers shall not be entitled to supplemental pay for municipal police officers.

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§3991. Charter schools; requirements; limitations; renewal; amendment; revocation

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B. Each proposed charter shall contain or make provision for the following:

(1)

* * *

(b)

* * *

(ii) Notwithstanding the provisions of Item (i) of this Subparagraph, that for Type 2, Type 3, and Type 4 charter schools in ~~any parish having a population of between twenty thousand five hundred and twenty-one thousand persons according to the most recent federal decennial census,~~ **Richland Parish**, the percentage of the total number of pupils enrolled in the charter school based on the October first pupil

membership who are at risk, in the manner provided in R.S. 17:3973(1)(a), shall be, as near as practicable, not more than the percentage of the total number of pupils enrolled in the public elementary and secondary schools and in the state-approved nonpublic elementary and secondary schools located in the local public school district in which the charter school is located who are eligible to participate in the federal free and reduced lunch program. However, in no case shall the initial enrollment of such a school nor the cohort of students enrolled for each new school year have, as near as practicable, fewer than fifty percent students who are at risk in the manner provided in R.S. 17:3973(1)(a).

* * *

Section 2. R.S. 17:7(18), 65, 81(L), 154.1(A)(4), and 3048.1(C)(4) are hereby repealed in their entirety.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

Nevers (SB 20)

Proposed law, contained in Title 17 (Education) of the Louisiana Revised Statutes of 1950, legislates with regard to classifications of parishes, municipalities, or other political subdivisions or local areas according to population by limiting the application of laws based upon specific classifications to one or more parishes, municipalities, or other political subdivisions or local areas, by adjusting the population ranges affected by the 2010 census, and by repealing certain provisions based upon certain population classification ranges, as follows:

CITATION/ TOPIC	EXISTING LAW	AFFECTED LOCATIONS	PROPOSED LAW
R.S. 17:7(18) - Pilot program to identify school systems with student test scores below the national average	City or parish with a population of 475,000 +	Orleans Parish (1990, 2000 census)	Repeal
R.S. 17:29(B) - Employment of social workers in public schools	Parish with a population of 475,000 +	Orleans Parish (2000 census)	Municipality having a population of 300,000 +

R.S. 17:65 - Election of school board members in 2007 instead of 2006	Parish with a population of 9,700 - 10,000	Cameron Parish (2000 census)	Repeal as obsolete
R.S. 17:81(L) - Pilot program for the use of appropriate metal detection devices	City or parish with a population of 475,000 +	Orleans Parish (1990, 2000 census)	Repeal
R.S. 17:84.01(A) - Terms of assistant superintendents	School district with a population of 425,000 +	Orleans and Jefferson parishes (both 1990, 2000 census)	Municipality having a population of 300,000 +
R.S. 17:85.4(intro. para.) - Naming of a curriculum center by certain school boards	Parish with a population of 191,000 - 225,000	St. Tammany Parish (2000 census)	St. Tammany Parish
R.S. 17:85.6(intro. para.) - Naming of a headstart and community center by certain school boards	Parish with a population of 31,300 - 31,600	Jefferson Davis Parish (2000 census)	Jefferson Davis Parish
R.S. 17:85.13(intro. para.) - Naming of a stadium by certain school boards	Parish with a population of 300,000 +	East Baton Rouge, Jefferson, and Orleans parishes (2000 census)	East Baton Rouge, Jefferson, and Orleans parishes
R.S. 17:85.14(intro. para.) - Naming of a performing arts center by school boards	Parish with a population of 200,000 +	Caddo, East Baton Rouge, Jefferson, and Orleans parishes (2000 census)	Caddo, East Baton Rouge, Jefferson, and Orleans parishes
R.S. 17:154.1(A)(4) - Length of the school day and year for 2002- 2003 school year	Parish with a population of 475,000 +	Orleans Parish (2000 census)	Repeal as obsolete
R.S. 17:179(A) - Authorizes student identification badges by school boards	Parish with a population of 120,000 - 135,000	Rapides Parish (1990, 2000 census)	Rapides Parish
R.S. 17:221.2(A)(2) - School boards to assign students to high schools upon parents' requests	Parish with a population of 144,000 - 160,000	St. Tammany Parish (1990, 2000 census); Ouachita Parish (2000 census)	St. Tammany Parish

R.S. 17:222(C)(3) - School boards to adopt different first grade entrance age requirements	Parish with a population of 450,000 +	Orleans Parish (1990, 2000 census); Jefferson Parish (2000 census)	Orleans and Jefferson parishes
R.S. 17:422(C) - Additional compensation for certain school employees	Parish or municipality with a population of 475,000 +	Orleans Parish (1990, 2000 census)	Municipality with a population of 300,000 +
R.S. 17:431 - Salaries paid to school administrative personnel	Parish or municipality with a population of 475,000 +	Orleans Parish (1990, 2000 census)	Municipality with a population of 300,000 +
R.S. 17:525(A)(1) - Promotion of school employees other than teachers	School district with a population of 425,000 +	Orleans Parish (1970, 1980, 1990, 2000 census)	None; cross-reference makes it applicable only to the Orleans Parish School Board
R.S. 17:1371(A)(5)(a) - Enlargement of school districts (created for taxing purposes)	Parish with a population of 15,000 - 20,000	Bienville, Claiborne, Grant, Jackson, and Winn parishes (all 1990, 2000 census); East Feliciana and West Baton Rouge parishes (both 1990 census); West Feliciana Parish (2000 census)	Bienville, Claiborne, East Feliciana, Grant, Jackson, West Baton Rouge, West Feliciana, and Winn parishes
R.S. 17:1805(E) - Authority of certain university/college police officers	Municipality with a population of 250,000 +	City of New Orleans (1970, 1980, 1990, 2000 census)	City of New Orleans
R.S. 17:3048.1(C)(4) - Relative to TOPS, provides eligibility requirements for a dependent student who graduated during the 2001-2002 or 2002-2003 school years	Parish with a population of 41,600 - 42,400	Webster Parish (2000 census)	Repeal as obsolete

R.S. 17:3991(B)(1)(b)(ii) - Pupil enrollment requirements for Types 2, 3, and 4 charter schools	Parish with a population of 20,500 - 21,000	Richland Parish (2000 census)	Richland Parish
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(Amends R.S. 17:29(B), 84.01(A), 85.4(intro. para.), 85.6(intro. para.), 85.13(intro. para.), 85.14(intro. para.), 179(A), 221.2(A)(2), 222(C)(3), 422(C), 431, 525(A)(1), 1371(A)(5)(a), 1805(E), and 3991(B)(1)(b)(ii); repeals R.S. 17:7(18), 65, 81(L), 154.1(A)(4), and 3048.1(C)(4))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill.

- 1. Removes unnecessary provisions relative to the Student Scholarships for Educational Excellence Program. (R.S. 17:4013(1))